

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DWAYNE PANNELL, ON BEHALF OF HIMSELF AND ALL OTHER  
PERSONS SIMILARLY SITUATED

Plaintiff(s)  
Petitioner(s)

INDEX #:  
07 CV 3503  
DATE FILED:  
05/02/2007

- against -

DR. JAY'S, INC.

Defendant(s)  
Respondent(s)

JUDGE:  
RICHARD M. BERMAN

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

TONY CONIGLIARO, BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK

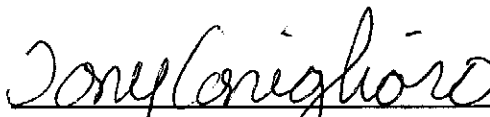
That on 05/07/2007, 10:46AM at 19 WEST 34TH STREET, SUITE #600, NEW YORK NY 10001, deponent served the within SUMMONS IN A CIVIL ACTION, COMPLAINT AND JURY DEMAND & COPY OF THE INDIVIDUAL PRACTICES OF HON. RICHARD M. BERMAN on DR. JAY'S, INC., a defendant in the above action.

By delivering to and leaving with OMA MAHARAJ at the above address and that he knew the person so served to be the managing agent of the corporation.

DEPONENT DESCRIBES THE INDIVIDUAL SERVED AS FOLLOWS:

Sex M Approximate age 54 Approximate height 5'07" Approximate weight 180 Color of skin WHITE Color of hair BALDING BLACK  
Other GLASSES

THE LAW OFFICE OF  
JUSTIN A. ZELLER  
C/O BRECHER FISHMAN  
222 BROADWAY  
19TH FLOOR  
NEW YORK, NY 10038  
(212)897-5859

  
TONY CONIGLIARO License # 1220476

Sworn to before me on 05/08/2007  
MAUREEN MCCAFFREY NO.01MC5018583  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN SUFFOLK COUNTY  
COMMISSION EXPIRES OCTOBER 4, 2009

